

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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MATHEW LEE WILLIAMS,

Petitioner,

v.

TIMOTHY FILSON, *et al.*,

Respondents.

Case No. 3:16-cv-00505-MMD-VPC

ORDER

This case is a petition for a writ of habeas corpus, pursuant to 28 U.S.C. § 2254, by Mathew Lee Williams, a Nevada prisoner. Williams has now paid the filing fee for this action. See Order entered August 31, 2016 (ECF No. 3); Receipt for Payment of Filing Fee (ECF No. 4).

The Court has reviewed Williams' habeas petition pursuant to Rule 4 of the Rules Governing Section 2254 Cases in the United States District Courts. The Court will direct the Clerk of the Court to serve the petition upon the respondents, and will require a response.

Williams filed, with his petition, a motion for appointment of counsel. "Indigent state prisoners applying for habeas corpus relief are not entitled to appointed counsel unless the circumstances of a particular case indicate that appointed counsel is necessary to prevent due process violations." *Chaney v. Lewis*, 801 F.2d 1191, 1196 (9th Cir.1986) (citing *Kreiling v. Field*, 431 F.2d 638, 640 (9th Cir.1970) (per curiam). The court may, however, appoint counsel at any stage of the proceedings "if the

1 interests of justice so require.” See 18 U.S.C. § 3006A; see *also* Rule 8(c), Rules
2 Governing § 2254 Cases; *Chaney*, 801 F.2d at 1196. Appointment of counsel is not
3 warranted in this case.

4 It is therefore ordered that the Clerk of the Court separately file the petition for
5 writ of habeas corpus and the motion for appointment of counsel, each of which is
6 currently attached to the *in forma pauperis* application at ECF No. 1.

7 It is further ordered that the Clerk of the Court add Adam Paul Laxalt, Attorney
8 General of the State of Nevada, as counsel for respondents.

9 It is further ordered that the Clerk of the Court shall electronically serve upon
10 respondents a copy of the petition for writ of habeas corpus and a copy of this order.

11 It is further ordered that respondents will have sixty (60) days from the date on
12 which the petition is served upon them to appear in this action, and to answer or
13 otherwise respond to the petition.

14 It is further ordered that petitioner’s motion for appointment of counsel is denied.

15 It is further ordered that, pursuant to Federal Rule of Civil Procedure 25(d), the
16 Clerk of the Court will substitute Timothy Filson for Renee Baker, on the docket for this
17 case, as the respondent warden of Ely State Prison, and will update the caption of the
18 action to reflect this change.

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20 DATED THIS 28th day of September 2016.

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23 MIRANDA M. DU
24 UNITED STATES DISTRICT JUDGE
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